

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

FILED-CLERK
U.S. DISTRICT COURT
EAST TEXAS
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MARSHALL

ROBERTA FORD,
Plaintiff

v.

LAW OFFICE OF JOSEPH
ONWUTEAKA, P.C., JOSEPH
ONWUTEAKA, AND SAMARA
PORTFOLIO MANAGEMENT, LLC
Defendants

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CIVIL ACTION NO. 2-12-CV-95

**DEFENDANTS' ORIGINAL ANSWER, AND COUNTERCLAIM
INCORPORATING DEFENDANTS' OBJECTION TO VENUE, AND
MOTION FOR SANCTIONS**

NOW COMES Defendants, Law Office of Joseph Onwuteaka, P.C., Joseph Onwuteaka, and Samara Portfolio Management, LLC, named Defendants in the above-entitled and numbered cause, and file this Original Answer, and Counterclaim, and show the Court:

1. Defendants deny the averments under paragraph 1 of plaintiff's complaint.
2. Defendants are without knowledge or information to admit or deny.
3. Defendants are without knowledge or information to admit or deny the averments under paragraph 3 of plaintiff's complaint.
4. Defendants admit the averments under paragraphs 4, 5, and 6 of plaintiff's complaint.
5. Defendants deny the averments under paragraph 7 of plaintiff's complaint.
Defendants are without knowledge or information to admit or deny

plaintiff's residence at the time he signed the promissory note as alleged in paragraph 8, of plaintiff's complaint.

6. Defendants admit only that there is a pending lawsuit against plaintiff filed by defendant, Samara Portfolio Management, LLC, in Harris County, Texas, as alleged.

7. Defendants deny the averments under paragraphs 10, 11, 12, and 13, of plaintiff's complaint.

AFFIRMATIVE DEFENSES

9. Defendants claim Plaintiff's suit is barred by the statute of limitations.
10. Defendants claim Plaintiff's suit is barred by the doctrine of compulsory counterclaim.
11. Defendants claim Plaintiff's suit is barred by the doctrine of election remedies.
12. Defendants claim Plaintiff's suit is barred by estoppel, and/or collateral estoppel.
13. Defendants, Joseph Onwuteaka and Law Office of Joseph Onwuteaka, P.C., claim Plaintiff's suit is barred by qualified immunity.
14. Defendants claim Plaintiff's suit is barred by lack of intent and/or bona fide error on part of the defendants.
15. Defendants claim Plaintiff's suit is barred by the doctrine of res judicata.
16. Defendants claim Plaintiff's suit is barred by the doctrine of waiver.
17. Defendants claim offsets and credits for the judgment against plaintiff.

DEFENDANT'S COUNTERCLAIM FACTS

18. Defendants will show that plaintiff's lawsuit is presented for improper purpose, to harass or cause unnecessary cost of litigation. The allegations in plaintiff's lawsuit does not have evidentiary support. The claims of plaintiff are not warranted or supported by existing law, and was not brought after a reasonable inquiry, and is frivolous and/or brought in bad faith.

ATTORNEY'S FEES, COSTS, AND SANCTIONS

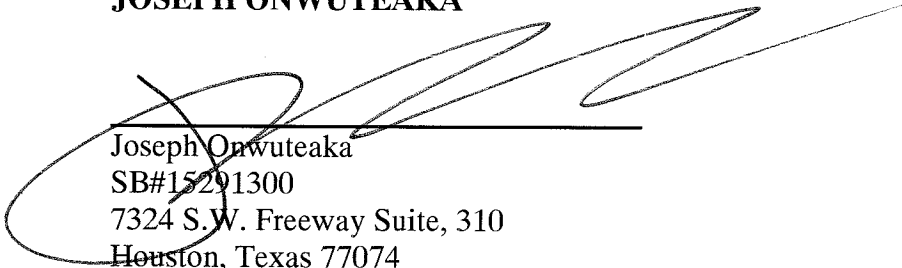
19. Defendants seek attorney's fees, costs, and sanctions against, Roberta Ford, plaintiff, and her attorneys, Richard Tomlinson and Lone Star Legal Aid.

20. Defendants incorporate herein, Defendants Objection to venue and Motion for Sanctions.

PRAYER

Defendants pray the Court, and after notice and hearing or trial, enter judgment in favor of Defendants, award Defendants the costs of court, attorney's fees, sanctions, and such other and further relief as Defendants may be entitled to in law or in equity.

**RESPECTFULLY SUBMITTED
SAMARA PORTFOLIO MANAGEMENT, LLC
LAW OFFICE OF JOSEPH ONWUTEAKA, P.C. AND
JOSEPH ONWUTEAKA**



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Defendants Pro Se

CERTIFICATE OF SERVICE

I hereby certify that on April 25, 2012, a true and correct copy of Defendant's Answer and Counterclaim was served by fax to Richard Tomlinson at Houston, Texas, (713-652-0044).



Joseph Onwuteaka